

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

WILLIS E. WALKER,

Plaintiff

V.

KIMBERLY WEAVER, *ET AL.*,

Defendants.

Civil Action No. 5:22-cv-64-RWS-JBB

ORDER

Plaintiff Willis Walker, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit against the Texarkana, Texas police department and two officers, Kimberly Weaver and Jordan Starkey, complaining of alleged violations of his constitutional rights. Docket Nos. 1, 7. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff complained that the officers arrested him on charges that had previously been dismissed. Docket No. 7 at 4. He has not contacted the Court since filing his amended complaint in June of 2022, and his current whereabouts are unknown.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to state a claim upon which relief may be granted and for failure to prosecute. Docket No. 9. A copy of the Report and Recommendation was sent to Plaintiff at his last known address but was returned as undeliverable. Docket No. 10. To date, Petitioner has not advised the Court of his current mailing address. The amended complaint that Plaintiff filed contains a declaration stating that “I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.” Docket No. 7 at 5; *see also* Local Rule CV-11(d) (providing that a *pro se* litigant must provide the Court with a physical address and is responsible for keeping the Clerk of Court advised in writing of his current physical address).

Because no objections have been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this cause and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report and Recommendation are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 9) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned case is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted and for failure to prosecute. It is further

ORDERED that any pending motions in the above-captioned case (including Docket No. 5) are **DENIED-AS-MOOT**. A final judgment will be entered in this case in accordance with this Order.

So ORDERED and SIGNED this 4th day of March, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE